

Altera Law Group, LLC

Intellectual Property Law
6500 City West Parkway - Suite 100, Minneapolis, MN 55344-7704 USA

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FACSIMILE TRANSMISSION COVER SHEET

FROM: Altera Law Group, LLC
INTERNET: mail@AlteraLaw.com
September 7, 2004
Pages: 27

PHONE NO.: 952-253-4100
FAX NO.: 952-912-0574
Fax No.: (703) 872-9306
Phone No.: (703) 308-2905

TO: Commissioner for Patents and
Trademarks
ATTN: Examiner Paul Prebille
Alexandria, VA 22313-1450

FROM: Hallie A. Finucane

Applicant: Carlyle, et al.
Filed: November 5, 1998
Docket No.: 01610.0053-US-11

Serial No.: 09/186810
Group Art Unit: 3738

Title: MEDICAL DEVICES WITH ASSOCIATED GROWTH FACTORS

Documents Transmitted:

Facsimile Transmission Cover Sheet (1 page)
RCE Transmittal and Fee Authorization, in duplicate (4 pages)
Fee Calculation Worksheet (1 page)
Petition for Extension of Time Under 37 C.F.R. §1.136(a) (1 page)
Amendment Submitted with Request for Continued Examination Under 37 C.F.R. §1.116
(13 pages)
Communication Regarding Uninitialed Reference on Form 1449 with enclosures
(7 pages)

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: September 7, 2004

By: Hallie A. Finucane
Hallie A. Finucane
Reg. No. 33,172
HAF/mar

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark
Office, Fax No. (703) 872-9306 on September 7, 2004.

Hallie A. Finucane
Name of Person Signing This Certificate

Hallie A. Finucane
Signature

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Serial No. 09/186810

PATENT

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL
AND FEE TRANSMITTAL**

Applicant: Carlyle, et al. Examiner: Paul Prebilic
Serial No. 09/186810 Group Art Unit: 3738
Filed: November 5, 1998 Docket No. 01610.0053-US-11
Title: MEDICAL DEVICES WITH ASSOCIATED GROWTH FACTORS

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Hallie A. Finucane
Signature

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. This is a request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.
2. The following are submitted under 37 C.F.R. §1.114.
 - a. ☐ Previously Submitted
 - ☐ Amendment/Reply under 37 C.F.R. §1.116 previously filed on
 - ☐ Appeal Brief previously filed on
 - ☐ Reply Brief previously filed on
 - ☐ Other
 - b. ☒ Enclosed
 - ☒ Response Accompanying Request for Continued Examination Under 37 CFR § 1.114
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement
 - ☒ Petition for Extension of Time
 - ☒ Other: Communication Regarding Uninitialed Reference on Form 1449 with enclosures
3. Miscellaneous
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of months.
 - b. ☐ Other:

4. Fees

- a. ☐ Check(s) for required fees
- | | | | |
|----|--------------------------|----------------------------|--------------------------------------|
| 1. | <input type="checkbox"/> | Check in the amount of for | RCE filing fee. |
| 2. | <input type="checkbox"/> | Check in the amount of | for request for suspension of action |
| 3. | <input type="checkbox"/> | Check in the amount of | for an Extension of Time |
| 4. | <input type="checkbox"/> | Other: | |
- b. ☒ The Commissioner is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account number 50-1038. A duplicate copy of this form is enclosed.
- | | | |
|----|-------------------------------------|--|
| 1. | <input checked="" type="checkbox"/> | The RCE fee of \$942.00 required under 37 CFR 1.17(e). |
| 2. | <input type="checkbox"/> | The request for suspension of action |
| 3. | <input checked="" type="checkbox"/> | The Extension of Time fee of \$420.00 for two months |
| 4. | <input type="checkbox"/> | Other: |
- c. ☐ Payment is made via credit card. (Form PTO-2038 is enclosed)
- c. ☒ Authorization is hereby given to charge any fees that relate to the filing of this RCE and are necessary to avoid abandonment of this application, or credit any overpayments, to Deposit Account Number 50-1038. If an extension of time for replying is necessary, the undersigned hereby petitions therefor.

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: September 7, 2004

By:

Hallie A. Finucane
Reg. No. 33,172
HAF/mar

Altera Law Group, LLC

Intellectual Property Law
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Applicant: Carlyle, et al. Examiner: Paul Prebilic
Serial No.: 09/186810 Group Art Unit: 3738
Filed: November 5, 1998 Docket No.: 01610.0053-US-11
Title: MEDICAL DEVICES WITH ASSOCIATED GROWTH FACTORS

FEE CALCULATION

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest No. Previously Paid For	Extra Claims Present	Rate	Fees
Total Claims	24	27	0	X \$18.00	\$ 0.00
Indep. Claims	7	5	1	X \$86.00	\$ 172.00
RCE Filing Fee					\$770.00
TOTAL FEES					\$942.00

Please charge any fees or credit any overpayment to Deposit Account 50-1038.

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: September 7, 2004

By: Hallie A. Finucane
Hallie A. Finucane
Reg. No. 33,172
HAF/mar

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Hallie A. Finucane
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Hallie A. Finucane
Signature

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Serial No. 09/186810

SEP 07 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carlyle, et al.

Examiner: Paul Prebilic

Serial No.: 09/186810

Group Art Unit: 3738

Filed: November 5, 1998

Docket No.: 01610.0053-US-11

Title: MEDICAL DEVICES WITH ASSOCIATED GROWTH FACTORS

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Hallie A. Finucane

Name of Person Signing This Certificate

Signature

COMMUNICATION REGARDING UNINITIALED REFERENCE ON FORM 1449

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants are in receipt of a final Office Action mailed from the U.S. Patent Office on April 7, 2004, but have not received notification that all of the references submitted with Information Disclosure Statements have been considered and/or acknowledged.

Applicants filed an Information Disclosure Statement on March 15, 1999. A second Information Disclosure Statement was filed on October 28, 1999. Applicants received initialed 1449s indicating the Examiner's acknowledgement of these references with the June 5, 2000 Official Action. Of the 19 references submitted with the March 15, 1999 Information Disclosure Statement all but one reference was either initialed or crossed off by the Examiner. The absence of the Examiner's initials on the remaining reference, Reference BC, is believed to be an oversight as this reference was submitted in a conforming manner, was not crossed off to indicate that it was not in

conformance and not considered and was not mentioned in the Office Action as not being in conformance and not having been considered. The Examiner respectfully is requested to initial reference BC for the record.

Copies of the relevant sheets of the Information Disclosure Statement, Form 1449, and transmittal documentation are enclosed. Applicants are not forwarding a copy of reference BC with this communication. However, if the Examiner deems it necessary, a copy of reference BC will be resubmitted.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' attorney of record, Hallie A. Finucane at (952) 253-4134.

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: September 7, 2004

By:



Hallie A. Finucane
Reg. No. 33,172
HAF/mar

Receipt is hereby acknowledged by the Assistant Commissioner of Patents and Trademarks of the following items in the matter of:

Applicant : Carlyle et al.
Serial No./Patent No.: 09/186,810
Filed/Issued : November 5, 1998
Title/Mark : PROSTHESIS WITH ASSOCIATED GROWTH FACTORS

1. Information Disclosure Statement
2. Form PTO-1449
3. 19 Cited References



Atty/Sec PSD/nw Date 3-15-99 File No. S16.12-0052